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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,113	08/22/2003	Bernhard Jahn	02/047 ART	8446
7590	03/17/2006			
Gregory N. Clements Dougherty, Clements & Hofer 1901 Roxborough Road, Suite 300 Charlotte, NC 28211			EXAMINER SALVATORE, LYNDA	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/646,113

**Applicant(s)**

JAHN ET AL.

**Examiner**

Lynda M. Salvatore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-19,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-19,30 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and accompanying remarks filed 12/30/05 have been fully considered and entered. Claims 16,18,30 and 31 have been amended as requested. Applicant's amendments are found sufficient to overcome the 112 2<sup>nd</sup> paragraph rejections set forth in sections 4-6 of the last Office Action. As such, these rejections are hereby withdrawn. Applicant's amendments are not found patently distinguishable over the prior art made of record and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim 16-19,30 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon et al., US 4,020,223 in view of Jahn, US 5, 397,629.

Applicant argues that the secondary reference of Jahn teaches using an organic compound which has a plurality of isocyanate groups in place of conventional adhesion promoters. Applicant argues that the isocyanate groups act as adhesion promoters and thus does not meet the limitation of a fluoropolymer coating which is free of adhesion promoting constituents. In response, the Examiner agrees. However, Jahn also teaches formulating the fluoropolymer coating composition free isocyanate groups (column 5, 29-37). Jahn further teaches that the adhesive strength of the coating can also be influenced by the temperature and duration of the heat treatment following application (column 5, 50-60). Since there is no evidence to suggest that

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the isocyanate free fluoropolymer coating is not equally as suitable as the isocyanate comprising fluoropolymer, the Examiner maintains that the combination of Dixon et al., in view of Jahn renders the instant invention obvious.

Recall, the patent issued to Dixon et al., teach surface fluorinating synthetic fibers in the form of yarns and textiles to impart soil and stain resistance as well as water absorbitivity (abstract, column 1, 25-32, column 6, 50-60, and column 7, 1-5). Dixon et al., does not explicitly teach further coating the yarns with a fluoropolymer coating composition, however, the patent issued to Jahn teaches a fluoropolymer coating composition used to coat sewing yarns and textile sheets (abstract). Jahn specifically teach that the fluoropolymer coating composition is free of conventional adhesion promoters (column 2, 30-38). Jahn specifically teaches that the fluoropolymer coating composition provides a good bond between the individual filaments of the yarn (column 4, 21-40). Jahn teaches providing textile fabrics such as knits, wovens, and non-wovens (column 3, 61-68). Jahn specifically teaches that the fluoropolymer coating provides high slip, chemical resistant and soil repellant characteristics (column 6, 25-34). With specific regard to claims 30 and 31 Jahn does not specifically teach forming any of the claimed final product structures, however, it is the position of the Examiner that the textile fabrics taught by Jahn could function in the claimed manner since Applicant has not set forth any other distinguishing product limitations.

Therefore, motivated by the desire to provide a textile yarn having the combination of high slip, chemical resistance, soil repellency and absorbitivity it would have been obvious to one having ordinary skill in the art to coat the surface fluorinated yarns of Dixon et al., with the

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fluoropolymer coating composition taught by Jahn.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 8, 2006

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*Ula Ruddock*  
**ULA RUDDOCK**  
**PRIMARY EXAMINER**